

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY A. BEARD,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security

Defendant.

Case No. C07-5187KLS

ORDER TO SHOW CAUSE

This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

By requesting the court to proceed *in forma pauperis*, plaintiff is asking the government to incur the filing fee because he allegedly is unable to afford the costs necessary to proceed with his cause of action. In his application, plaintiff states he receives "VA disability benefits" in the amount of \$2,600.00 per month, with which he supports his wife and two children. Plaintiff further states, however, that he has been "assessed a Social Security overpayment of over \$100,000." It is not clear though whether plaintiff currently is required to make payments on that overpayment, and, if so, in what amounts.


Accordingly, the Court hereby finds and ORDERS as follows:

- 1 (1) Plaintiff shall seek to cure this deficiency by filing **no later than May 20, 2007**, written
2 documentation or other similar evidence showing that (a) he has been assessed with an
3 overpayment by the Social Security Administration, and (b) the amount and frequency of
4 the payments, if any, he is legally required to make on that overpayment.

5 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
6 **prosecute this matter and the Court will recommend dismissal of this matter.**

- 7 (2) The clerk is directed to send a copies of this Order to counsel for plaintiff.

8 DATED this 20th day of April, 2007.

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12 Karen L. Strombom
13 United States Magistrate Judge
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